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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/678,915

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Ira A. Kronenberg

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EXAMINER

SHAAWAT, MUSSA A

ART UNIT

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3627

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/678,915	<b>Applicant(s)</b> KRONENBERG ET AL.	
	<b>Examiner</b> MUSSA A. SHAAWAT	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment***

1. This action is in response to the amendment filed on 11/16/2007. Claims 1-11 have been previously withdrawn. Claim 12 have been amended. Claims 12-22 are pending examination.
2. Amendments to claim 12 have been considered and are sufficient to overcome the 112 2nd paragraph rejections; therefore the 112 2nd rejections have been withdrawn.

***Claim Rejections – 35 U.S.C. 103***

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

4. Claims 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beard et al., US Pat. No. 6,124,800 referred to hereinafter as Beard in view of Sedam et al. US Pat. No. 4,412,292 in further view of Varga et al., US Pub. No. US2002/0161475A1 as discussed in the previous office action. Further:

Beard teaches updated data streams are continuously conveyed to designated reception area in approximate real time (see at least col. 1 lines 33-46, col.7 lines 45-50); uploading said received data streams to a portable computer (see col.8 lines 19-

25); utilizing said portable computer to compile said data streams, and display inventory data, so as to pull inventory from said service vehicle (see col.8 lines 19-25); said portable computer indicates the location and route of the vending machines (see col.8 lines 19-25);

Although Beard teaches discerning vending machine activity relating to coin box or product inventory and updating inventory information (see at least col.1 lines 34-47, col. 3 lines 10-38), Beard does not expressly teach compensating for any activity from the period of reception at the service vehicle to the point when the unit is serviced. However it would have been obvious to one of ordinary skill in the art to know the maximum inventory that the vending machine can hold, for example if the driver knows that the vending machine needs 10 items to be at a maximum fill, and the handheld device says you need 8 items in order for the vending machine to be at a maximum, one would know to bring an extra 2 items just in case from the time the driver pulls the inventory (8 items specified by handheld device) to the time the driver gets to the vending machine location 2 more items were sold in order to eliminate having to make two trips to the truck the driver need only to make one trip do to him bringing the extra 2 items. Therefore, the only difference between Applicant's claims and what is suggested by the prior art, is automatically determining what was sold between the time the driver left the truck and the driver opened the vending machine. However, such a modification (i.e. automation), would have been obvious to one of ordinary skill, as it has been held that, it is not an 'invention' to broadly provide a mechanical or automatic means to

replace manual activity which has accomplished the same result (In re Venner, 120 USPQ 192 (CCPA 1958) In re Rundell, 9 USPQ 220 (CCPA 1931))

### ***Response to Arguments***

3. Applicant's arguments have been fully considered but they are not deemed to be persuasive. Applicant argues in substance that A) Neither Sedam, Beard, Varga et al., alone or in combination, teach, suggest, or otherwise contemplate the method of conveying the data stream to the reception area utilizing a repeated "mono-directional RF transmission only".

In response to A), the examiner respectfully disagrees. Applicant is reminded that claims must be given their broadest reasonable interpretation. Varga et al, teaches means for transmitting cash received and numbers of various goods dispensed and fault conditions; means for assembling such data and translating it into a standard format for transmission to a remote location using one-way communication such as radio transmission i.e. conveying or transmitting data utilizing mono-directional transmission, see (paragraph [0018], [0048]);

[0018] Among the principal features of the invention are electronic monitoring means coupled to monitoring points within a **vending machine** capable of identifying critical characteristics of said **machine's** operations, including cash received and numbers of various goods dispensed and fault conditions; means for assembling such data and translating it into a standard format for **transmission** to a remote location; means for **transmitting** such formatted data to a remote location, (in one embodiment, using **one-way** communications); and a method for processing the data to enable efficient restocking.

Therefore, in view of the above evidence, Sedam in view of Beard and in further view of Varga, still meets the scope of the claimed limitation repeatedly transmitting updated data stream utilizing mono-directional RF transmission.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mussa A. Shaawat whose telephone number is 571-272-2945. The examiner can normally be reached on Mon-Fri (8am-5:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mussa Shaawat  
Patent Examiner  
February 5, 2008

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627